

REMARKS

In this Amendment, Applicant has cancelled Claims 9 – 10, 12 – 16 and 20 – 22 without prejudice or disclaimer, amended Claims 1 – 8, 11 and 17 – 19, and added new Claim 24. Claims 1 and 7 have been amended to specify various embodiments of the present invention and overcome the rejection. Claims 2 – 6, 8, 11 and 17 – 19 have been amended to proper dependent form or rephrase certain expressions. In addition, the specification has been amended to correct clerical errors. The amendment is editorial in nature. It is respectfully submitted that no new matter has been introduced by the amended claims and specification. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

OBJECTION TO SPECIFICATION:

The specification has been objected as containing informality.

It is respectfully submitted that the informality contained in the specification has been corrected by changing “authorised” to “authorized” at page 10, line 7 and changing “unauthorised” to “unauthorized” at page 10, line 17. Therefore, objection to the specification is overcome and withdrawal of the objection is respectfully requested.

OBJECTION TO CLAIMS:

Claims 1, 12 and 13 have been objected as containing informality.

It is respectfully submitted that the objections have been overcome by the presently submitted amendments. At first, Claims 12 – 13 have been cancelled without prejudice or disclaimer. Therefore, the objection to Claims 12 – 13 is moot. In addition, Claim 1 has been amended wherein the proper punctuation marks, including colon, are

used. Therefore, objection to Claims 1, 12 and 13 is overcome and withdrawal of the objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAPGRAPH:

Claims 7 and 12 – 14 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the objections have been overcome by the presently submitted amendments. At first, Claims 12 – 14 have been cancelled without prejudice or disclaimer. Therefore, the objection to Claims 12 – 14 is moot. In addition, the phrase “such as” in Claim 7 has been deleted to clearly point out and define the embodiments of the present invention. Claim 24 has been added to define the specific input devices with a keyboard and a mouse.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1, 2, 11, 12, 19, 20 and 23 have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Coffey et al. (US 5,675,510), hereinafter Coffey.

Applicant traverses the rejection and respectfully submits that the present-claimed invention is not anticipated by the cited reference. At first, Claims 12 and 20 have been cancelled without prejudice or disclaimer. Therefore, the objection to Claims 12 and 20 is moot. In addition, the embodiment of the present invention as defined in Claim 1 is different from the disclosure in Coffey. Claim 1 has been amended to further specify the embodiments of the present invention. The basis of the amendment can be found at page

7 lines 21 to page 8 line 3, pages 8 line 28 to page 9 line 19, and page 10 lines 6 to 19, page 14 lines 6 to 12, and Figs. 4 and 6.

The embodiment of the present invention as defined in amended Claim 1 provides features for simple and unobtrusive determination of the active application in a computer system because monitoring of the computer usage is determined by reference to the displayed name and a stored list. Where further investigation is required, this is achieved simply by checking the file name extensions and, for those such as .exe, determining the process identifier. The data is stored in internal memory between frames. The timer features of the embodiment of the present invention as defined in amended Claim 1 ensure that there is an event entry at least every frame period, which is particularly suitable for event database reporting programs to use timelines synchronized with the frames. In addition, this feature ensures that there is a log entry every frame period, for example every 15 minutes, even if there has been no activity.

Furthermore, the embodiment of the present invention as defined in amended Claim 1 includes the features of how the main and protection programs provide parallel protection against an unauthorized attempt to close the utility. This is a very simple and effective mechanism. Also, the embodiment of the present invention as defined in amended Claim 1 includes the advantageous feature of the utility using a stored activity profile to generate an alert.

It is respectfully submitted that the embodiment of the present invention as defined in amended Claim 1 defines a combination of features that differs very significantly from the prior art references. Coffey operates on the principle of actively intercepting the operating system, thus apparently imposing a processor overhead affecting performance. For example, column 6 line 39 to column 7 line 4 of Coffey describes that "upon interception of an HCBT-CREATEWND message indicating the handle of the newly created window ..." (Col. 6, lines 49 to 51). This processing traps many operating system messages and filters out the ones that it is interested in. It will be appreciated that this is very processor-intensive, particularly at a time when the processor is very busy opening and closing applications. Also, it appears that events are created

only when new activity is detected. For example, if there is a power outage while a user has been editing a document for two hours, the prior art system would reveal no useful information about the outage because its last event is two hours old. On the other hand, in the embodiment of the present invention as defined in amended Claim 1, there is an entry at least every frame period, for example, every 15 minutes. Claims 2, 11, 19, 21 and 23 also include these features due to their dependency on Claim 1.

Therefore, the newly presented claim is not anticipated by Coffey and the rejection under 35 U.S.C. § 102 (b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 5 – 7 and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over by Coffey in view of Lin et al. (US 5,949,415), hereinafter Lin, in further view of Gould et al. (US 6,065,138), hereinafter Gould; Claims 8 and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over by Coffey in view of Lin in further view of Gould and in further view of Wiggins (US 5,717,604), hereinafter Wiggins; Claims 9, 10 and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over by Coffey in view of Lin in further view of Gould and in further view of Scott et al. (US 5,675,752), hereinafter Scott; Claims 13, 14, and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over by Coffey in view of Lim et al. (US 6,212,573), hereinafter Lim; Claims 15, 17, 18 and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over by Coffey in view of Shirakihara et al. (US 6,026,499), hereinafter Shirakihara; Claims 16 and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over by Coffey in view of Shirakihara and in further view of Lim; Claims 2, 3, 21 and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over by Coffey in view of Miller (US 5,799,304), hereinafter Miller; Claims 22 and 23 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over by Coffey in view of Soejima et al. (US 5,713,027), hereinafter Soejima;

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over the cited prior art references. At first, Claims 9, 10, 13, 14, 15, 16, 21 and 22 have been cancelled without prejudice or disclaimer. Therefore, the rejection to Claims 9, 10, 13, 14, 15, 16, 21 and 22 is moot. In addition, it is respectfully submitted that there are significant differences between the embodiments of the present invention and the disclosures in Coffey, Lin, Gould, Wiggins, Scott, Lim, Shirakihara, Miller and Soejima, as indicated above.

Lin fails to describe or suggest the combination of features of the embodiment of the present invention as defined in amended Claim 1. Although Lin does mention tracking of computer usage in a manner that does not interfere with execution, it does not mention the particular manner of the embodiment of the present invention as defined in amended Claim 1. In particular, it does not anticipate or suggest the features of monitoring active windows, the protection program operation, or the use of an activity profile to generate an alert. It appears to require the operating system to transmit to it a callback message. Also, neither Coffey or Lin suggest the frame timer aspects, which provide for logging of events at intervals of, for example, every 15 minutes at least. Gould focuses on mouse and keyboard monitoring, and monitoring of time spent on a computer. Applicant respectfully submits Gould is not particularly relevant to the embodiment of the present invention as defined in amended Claim 1. Similarly, Wiggins, Scott, Lim, Shirakihara, Miller and Soejima failed to disclose or teach the embodiment of the present invention as amended. Without motivation or reasonable expectation of success, a person of ordinary skill in the art will not modify Harris to achieve the present invention as claimed.

In addition, it is respectfully submitted that certain rejections under 35 U.S.C. §103 have been mistakenly stated as rejection under 35 U.S.C. §102 (See Office Action page 9, lines 18; page 10, line 20; page 12, line 10). Furthermore, the Notice of References Cited (PTO-892) failed to cite any of the references mentioned above. Proper correction is respectfully requested.

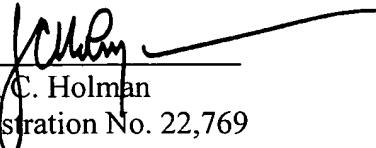
Therefore, the rejection under 35 U.S.C. §103, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. §103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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